

Message Text

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43

ACTION NEA-16

INFO OCT-01 EA-11 ISO-00 SSO-00 NSCE-00 CIAE-00 COME-00

DODE-00 DOTE-00 EB-12 FMC-04 INR-11 NSAE-00 RSC-01

CG-00 COA-02 DLOS-07 SWF-02 INRE-00 PM-07 NSC-07

SP-03 SS-20 CEQ-02 EPA-04 FEAE-00 SCI-06 L-03 H-03

PA-04 PRS-01 USIE-00 DRC-01 /128 W

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FM AMEMBASSY NEW DELHI

TO SECSTATE WASHDC IMMEDIATE 4310

INFO AMCONSUL BOMBAY IMMEDIATE

AMCONSUL CALCUTTA IMMEDIATE

AMCONSUL MADRAS IMMEDIATE

AMEMBASSY SINGAPORE IMMEDIATE

CINCPAC

COMIDEASTFOR

C O N F I D E N T I A L NEW DELHI 13310

E.O. 11652: GDS

TAGS: CGEN, PLOS, IN

SUBJECT: US TANKER TRANS HURON

SUMMARY. AMERICAS JOINT SECRETARY TEJA CALLED IN THE CHARGE
OCTOBER 4 TO RAISE WITH HIM THE QUESTION OF LIABILITY FOR
POLLUTION RESULTING FROM THE WRECK OF THE TANKER TRANS HURON.
HE SAID THAT UNDER THE 1969 CONVENTION ON POLLUTION THE OBLIGATION
FOR ASSISTANCE TO OVERCOME THE IMMEDIATE EFFECTS OF POLLUTION
AND LIABILITY FOR DAMAGED PROPERTY RESTS FIRST WITH THE SHIP
PWNERS AND, IF THEY ARE UNABLE TO MEET THE LIABILITY, WITH THE
NATION WITH WHICH THE VESSEL IS REGISTERED. THE GOI WILL BE
EXAMINING THE EXTENT OF DAMAGES AND MAY RAISE THIS SUBJECT AGAIN
WITH THE US. THE CHARGE REPLIED THAT LEGAL RESPONSIBILITY FOR
SPILLAGE LIES WITH THE OPERATOR OF THE TRANS HURON. HE STATED
HIS UNDERSTANDING THAT SEA TRAIN, THE COMPANY WHICH IS OPERATING
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THE TRANS HURON, RECOGNIZES ITS LEGAL OBLIGATION.

END SUMMARY.

1. TEJA SAID THAT THE 20,000 TONS OF FURNACE OIL WHICH HAD BEEN ON BOARD THE TANKER WAS CAUSING DAMAGE TO THE BEACH, MARINE LIFE AND PROPERTY IN THE AREA. THE INDIAN DIRECTOR GENERAL OF SHIPPING, THE DIRECTOR GENERAL OF THE FISHERIES AND THE COCHIN HARBOR MASTER ARE NOW ON THE SITE OF THE WRECK. THE GOI HAS SERVED NOTICE ON THE "OWNERS" OF THE VESSEL THAT THEY ARE UNDER OBLIGATION TO TAKE REMEDIAL AND PREVENTIVE MEASURES.

2. TEJA EXPLAINED THAT THE GOI PARTICIPATED IN THE 1969 CONVENTION ON POLLUTION OF THE SEA UNDER WHICH LIABILITY IS ABSOLUTE FOR DAMAGE. THERE IS ALSO AN OBLIGATION FOR ASSISTANCE TO OVERCOME THE IMMEDIATE EFFECTS OF POLLUTION. IN THE FIRST INSTANCE THE SHIP OWNERS ARE LIABLE FOR DAMAGES. THE COUNTRY OF A SHIP'S REGISTRY HAS CERTAIN LIABILITIES IF THE CARRIER CANNOT MEET ITS RESPONSIBILITY. THE GOI IS LOOKING INTO THE QUESTION OF DAMAGES AND WILL REVERT TO THIS MATTER WHEN THEY ARE DETERMINED.

3. TEJA SAID THAT HE UNDERSTOOD THERE WAS A US FIRM IN SINGAPORE WHICH HAS FACILITIES FOR TREATING OIL POLLUTION. HE SAID HE BELIEVED THE METHOD WAS SPRAYING THE WATER WITH DETERGENT. HE ASKED FOR THE EMBASSY'S ASSISTANCE IN ASCERTAINING WHETHER SUCH A FIRM OR ORGANIZATION EXISTED.

4. FINALLY, TEJA SAID THERE HAS ALREADY BEEN COMMENT IN THE INDIAN PRESS THAT THE OIL MAY SPREAD TO THE BEACHES OF KERALA. IF IT DOES, HE SAID, THIS WILL "ADD A NEW DIMENSION TO THE PROBLEM." KERALA BEACHES ARE THE MOST POLLUTION-FREE OF INDIA. THE PEOPLE OF KERALA DEPEND UPON FISHERIES FOR A LIVELIHOOD.

5. IN REPLY THE CHARGE CONFIRMED A STATEMENT THAT TEJA HAD MADE THAT THE US HAD TAKEN LEADERSHIP IN DEVELOPING MEANS FOR DEALING WITH MARINE POLLUTION. IT WAS A MATTER OF REGRET THAT THE TRANS HURON PROBLEM EXISTED. IT WAS BECAUSE OF THE IMPORTANCE WE ATTACH TO DEALING WITH MARINE POLLUTION THAT WE HAVE SUPPORTED EFFORTS TO DEFINE CLEARLY LEGAL RESPONSIBILITY FOR SPILLAGE. IN THIS CASE THE ENTIRE LEGAL RESPONSIBILITY LIES WITH THE SEA TRAIN COMPANY. WE UNDERSTAND THAT THE GOI HAS ALREADY TOLD THIS CONFIDENTIAL

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PANY THAT THE COST OF CLEAN-UP MEASURES WILL BE MET BY SEA TRAIN OR A SUBSIDIARY. WE ALSO UNDERSTAND THAT SEA TRAIN RECOGNIZES ITS LEGAL OBLIGATION TO PAY FOR SUCH OPERATIONS. THE CHARGE INFORMED TEJA ABOUT SEA TRAIN'S INSURANCE COVERAGE AND TOLD HIM THAT A REPRESENTATIVE OF THE INSURANCE COMPANY WAS BEING SENT TO THE SCENE OF THE WRECK TO ARRIVE OCTOBER 4.

6. THE CHARGE SAID THAT THE TRANS HURON WAS CHARTERED BY THE

DEPARTMENT OF DEFENSE (TEJA NODDED THAT HE WAS AWARE OF THIS). NEITHER THE US GOVERNMENT NOR THE DEPARTMENT OF DEFENSE HAS LEGAL RESPONSIBILITY OF LIABILITY FOR POLLUTION CAUSED BY OIL FROM THE SHIP. THE GOI WILL UNDOUBTEDLY WISH TO MEET WITH THE INSURANCE REPRESENTATIVE AND DISCUSS WITH HIM SEA TRAIN'S LIABILITY AND MEASURES WHICH MIGHT BE TAKEN TO DEAL WITH THE POLLUTION.

7. AT THE CONCLUSION OF THE DISCUSSION TEJA HANDED THE CHARGE AN AIDE MEMOIRE, WHICH ASKS THE EMBASSY TO TAKE PREVENTATIVE AND REMEDIAL ACTION. THE TEXT IS BEING SENT IN A SEPARATE TELEGRAM.

8. WE WOULD APPRECIATE THE DEPARTMENT'S ADVICE ON TEJA'S CLAIM THAT THE US GOVERNMENT IS LIABLE IF SEA TRAIN IS UNABLE TO MEET ITS LIABILITY.

9. FOR SINGAPORE: REQUEST YOUR ADVICE REGARDING FACILITIES THERE FOR DEALING WITH MARINE POLLUTION BY OIL.
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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: WATER POLLUTION, LITIGATION, TRANS HURON, OIL SPILLS, SHIP ACCIDENTS
Control Number: n/a
Copy: SINGLE
Draft Date: 04 OCT 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: CollinP0
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974NEWDE13310
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D740282-0425
From: NEW DELHI
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19741072/aaaacjpi.tel
Line Count: 135
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION NEA
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: CollinP0
Review Comment: n/a
Review Content Flags:
Review Date: 09 AUG 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <09-Aug-2002 by rowelle0>; APPROVED <05 MAR 2003 by CollinP0>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: US TANKER TRANS HURON SUMMARY. AMERICAS JOINT SECRETARY TEJA CALLED IN THE CHARGE
TAGS: CGEN, PLOS, IN, (TEJA)
To: STATE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005